

REMARKS/ARGUMENTS

Claims 11 – 13, 15 – 20, 25, 31, 37, 44, and 46 – 50 were presented for consideration, and claims 11, 13, 15 – 20, 25, 31, 37, 44, and 46 – 50 remain pending in the present application upon entry of the present Amendment, which is respectfully requested. Claims 1 – 10, 12, 14, 21 – 24, 26 – 30, 32 – 36, 38 – 43, 45, and 51 are canceled. For at least the reasons set forth below, Applicants respectfully submit that claims 11, 13, 15 – 20, 25, 31, 37, 44, and 46 – 50 are patentable over the cited art.

Applicants respectfully request that the Examiner acknowledges and initials the references submitted in the Form PTO-1449 included with the Information Disclosure Statement filed with the Request for Continued Examination dated August 31, 2006 and the Form PTO-1449 included with the Information Disclosure Statement filed November 17, 2010 in the next correspondence.

Claims 11-13, 15-20, 25, 31, 34, 37, 44, and 46-50 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S Patent No. 4,361,150 to Voss ("Voss") in view of U.S Patent No. 6,432,076 to Wada et al. ("Wada"). Claim 34 is canceled rendering the rejection thereto moot. Claim 12 is canceled, and the subject matter of claim 12 is now incorporated into independent claim 11. Accordingly, Applicants respectfully submit that no further consideration and search is required for the amendment to claim 11, and, thus, Applicants respectfully request entry of this Amendment. For at least the reasons set forth below, Applicants submit that claims 11, 13, 15-20, 25, 31, 37, 44, and 46-50 are not disclosed or suggested by the cited combination of Voss and Wada.

Independent claim 11 recites, in part, a finger grip that has a shoulder region adjacent to a tapered main section, a gripping region adjacent to the shoulder region, and a flared region adjacent to the gripping region opposite the shoulder region. The shoulder region decreases in diameter from the tapered main section to the gripping region, and the flared region has an outer diameter that continuously increases from

the gripping region to the second end of the barrel. The shoulder region and the flared region can mitigate slipping of a user's fingers from the gripping region. The maximum outer diameter of the tapered main section is located from the insertion tip about 55% to 85% of an overall length of the barrel.

Page 3 of the Office Action concedes that Voss does not disclose the finger grip having a gripping area with a decreased diameter. In particular, col. 5, lines 4-10 of Voss provides a gripper ring 18 that is formed at the trailing end of applicator tube 12 and is in the form of an integral flange that projects outwardly in a radial direction from the trailing extremity of the tube 12 and takes the form of a thin, extremely wide plate which will facilitate grasping and handling of the tube. The Office Action further asserts on page 3 through page 4 that the finger grip area 18 of Voss may be defined to include up to 25% of the distal end of the barrel 12, and therefore the maximum outer dimension of the tapered main section 15 will be located from the insertion tip 20 about 75% of the overall length of the barrel 12.

Page 4 of the Office Action asserts that Wada teaches a tampon applicator comprising a finger grip 8 having a shoulder region (shown but not numbered) adjacent the main section of the applicator and a flared region 9 adjacent the gripping region, as shown in Figure 1. In addition, page 2 through page 3 of the Office Action contends that in response to the applicant's argument that Voss, as modified by Wada, would have a maximum outer diameter located less than 50% of an overall length from the insertion tip, it is noted that the finger grip of Voss is located at the distal end of the applicator barrel, as shown in Figure 1, and Wada is not relied upon for teaching of the overall dimensions of the applicator, but rather for the teaching of a gripping region having a shoulder and a flared region that gradually decrease in diameter from the barrel.

However, Wada provides that the outer cylinder 1 is provided with a small diameter portion 8 on the side of the root end with respect to the center of the outer cylinder 1, and a root end 9 is diametrically enlarged to form an opening 10. (col. 4,

lines 26-29). As clearly shown in Fig. 1 of Wada, the transition between a large diameter portion 7 and small diameter portion 8 begins at least directly adjacent tampon 3, and, small diameter portion 8 and root end 9 extend from directly adjacent tampon 3 to the end of outer cylinder 1. Moreover, the small diameter portion 8 and root end 9 of Wada clearly are greater than 45% of the overall length of outer cylinder 1 of Wada, as shown in Fig. 1.

Thus, although gripper ring 18 of Voss that is a thin, extremely wide plate is less than 45% of the overall length of applicator tube 12, neither Voss, Wada, nor combination of the same, discloses or suggests a finger grip that has a shoulder region adjacent to a tapered main section, a gripping region adjacent to the shoulder region, and a flared region adjacent to the gripping region opposite the shoulder region, in which the shoulder region decreases in diameter from the tapered main section to the gripping region, with the flared region having an outer diameter that continuously increases from the gripping region to the second end of the barrel, and where the shoulder region and the flared region can mitigate slipping of a user's fingers from the gripping region. Moreover, these combination of references fail to disclose or suggest that the maximum outer diameter of the tapered main section is located from the insertion tip about 55% to 85% of an overall length of the barrel, as recited by claim 11.

To the contrary, Applicants respectfully submit modifying Voss by replacing gripper ring 18 that is a thin, extremely wide plate with the small diameter portion 8 and root end 9 of Wada that are greater than 45% of the overall length of the outer cylinder would at least nearly double the length of the Voss applicator tube 12. Thus, the maximum outer diameter of a portion between the finger grip and the triangular segments 19 of Voss would not be located from the insertion tip about 55% to 85% of an overall length of applicator tube 12.

Accordingly, Applicants respectfully submit that the cited combination of Voss and Wada clearly fails to disclose or suggest independent claim 11. As such, claim 11, as well as claims 13, 15-20, 25, 31, 37, 44, and 46-50 that depend therefrom, are

patentable over that the cited combination of Voss and Wada for at least the reasons described above for independent claim 11.

Reconsideration and withdrawal of the rejection to claims 11, 13, 15-20, 25, 31, 37, 44, and 46-50 are respectfully requested.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited. In the alternative, it is believed that the instant amendment places the present application in better condition for appeal. Accordingly, entry and consideration of the instant amendment are respectfully requested.

If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



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